D.B. CIVIL SPECIAL APPEAL NO.110/2005
(State of Raj. & Ors. vs. Jogendra Singh)

Date : 04.04.2005.

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.H.R. Soni, Addl. Government Advocate.
Mr.V.K. Mathur for
Mr.D.S. Rajvi, for the respondents.

We have heard learned counsel for the appellant and perused the order of the learned Single Judge dated 08th May, 2003.

The learned Single Judge has allowed the writ petition directing the appellant to pay the retiral benefits admissible to the respondent as per the Rules.

It is contended by the learned counsel for the appellant that as an appeal against the order of acquittal is pending, the respondent cannot be paid the retiral benefits.

In our view, simply because the appeal against the order of acquittal is pending before the appellate court, the respondent cannot be deprived for the retiral benefits.

No case is made out for interference with the order of the learned Single Judge.

The special appeal stands dismissed.

(MANAK MOHTA),J. **(N.N.MATHUR),J**

ashwini/-